

## **Legal instruments of ensuring access to land**

This thesis is concerned with an analysis of legal instruments of private and public law, which are able to ensure an access to land. The thesis is written from a perspective of a land owner without an access or with a difficult access to his land. Hence the content of this thesis is limited to legal instruments protecting such owner. The aim of the thesis is to cover all the legal options of ensuring an access to land, provide a detailed analysis of each instrument and further consider its frequency and suitability for general practice. In addition, I also present comparison of the instruments from the aspect of procedural law. Within the thesis I make an extensive use of case law, which illustrates both the potential development of legislation and familiarizes the reader with an abstract legal terminology by its application to real-life situations.

The thesis is divided into nine chapters, whereas the chapter one provides a classification of the legal instruments from the private and public law perspective and a classification into a voluntary and a forced access. This chapter is followed by an enumeration of each instrument of ensuring an access to land. Firstly, there are listed the private law instruments, i.e., lease, easement, necessary passage, statutory rights between neighbors' and co-ownership of an accessory thing. The public law instruments consist of an access to land defined by the Building Act, a connection of buildings to roads according to implementing decrees to the Building Act and, lastly, the utility communications. Given their legal complexity, the easement and utility communications are the main topics of the thesis. These two legal instruments are also the most widely used in practice.

As for the evaluation of the options of ensuring an access to land, using the easement (except a purchase of the land) is, thanks to its permanent character and links to land and not to a person, the most secure solution to this task. In addition, using the utility communication provides the owner with the most expeditious solution, because after complying with certain requirements, a right to use it is directly stated under the law. Therefore, there are no other formal steps to ensure the access to land needed.